

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

**FILED**

March 30, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America

v.

Jonathan CASTELO

BY: Cecie Rodriguez
DEPUTY

Case No.

EP:23-MJ- 857 ATBDefendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 29, 2023 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*

18 U.S.C. 554 (a)

Offense Description

Whoever fraudulently or knowingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: a Taurus G2C .40 caliber pistol; 100 rounds of .40 caliber ammunition, and two .40 caliber magazines.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 03/30/2023City and state: El Paso, Texas

Ruby M. Owen, HSI Special Agent

*Printed name and title**Judge's signature*

Anne T. Berton, US Magistrate Judge

Printed name and title

Complaint sworn to telephonically on

March 30, 2023at 11:30am and signed
electronically. FED.R.CRIM.P. 4.1(b)(2)(A)

AFFIDAVIT

On March 29, 2023, Jonathon CASTELO attempted to exit the United States into Mexico via southbound lanes at the Bridge of the Americas Port of Entry (POE). CASTELO was the driver and sole occupant of a Grey 2001 Lexus bearing Texas License plates.

Customs and Border Protection Officers (CBPO) referred CASTELO to a secondary inspection at the request of the Border Patrol Intel Sector, which identified CASTELO as an individual possibly involved in the illegal exportation of firearms. During the inspection, CASTELO declared a weapon later identified as a Taurus G2C .40 caliber pistol, and ammunition.

Homeland Security Investigations Special Agent (SA) Ruby Owen and Alcohol Tobacco and Firearms SAs Lauren Zepeda and Joshua Dolan responded to the Bridge of the Americas POE. SA Zepeda read CASTELO his rights as per Miranda Requirements in the English language. CASTELO waived these rights and agreed to make a statement. CASTELO stated the following:

CASTELO stated approximately two months ago he was recruited to buy firearms and cross them into Mexico. He initially did not agree to the scheme as he knew it was wrong and could get him in trouble. However, CASTELO agreed to engage in the smuggling venture because he needed money to pay for an immigration attorney. CASTELO stated he has purchased a total of three firearms. He successfully smuggled two of them into Mexico a few days prior. CASTELO stated he currently resides in Ciudad Juarez and has been residing there for the past seven years. CASTELO stated he lied on ATF Form 4473 on the residence section and provided a relative's address in the US.

CASTELO stated he purchased the three firearms for an individual other than himself and was paid, or was going to be paid, \$6,000 Mexican pesos for each smuggling venture. CASTELO also admitted he would receive a fraudulent receipt for the sale of the weapon. The individual CASTELO was purchasing the firearms for was a Mexican national who does not cross into the US.

HSI SAs queried a law enforcement database and was unable to locate any information which would have suggested that CASTELO possessed an export license relating to the export of the firearms.